

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :

ORDER

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001
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03 MDL 1570 (GBD) (SN)

This document relates to:

Burnett, et al. v. The Islamic Republic of Iran, et al., 15-cv-9903 (GBD) (SN)

**ORDER GRANTING PARTIAL FINAL DEFAULT JUDGMENT FOR THE *BURNETT*
PLAINTIFFS LISTED IN EXHIBITS A AND B**

GEORGE B. DANIELS, United States District Judge:

The *Burnett* Plaintiffs listed in Exhibits A and B move for entry of partial final default judgment against Defendants the Islamic Republic of Iran, the Islamic Revolutionary Guard Corps, and the Central Bank of the Islamic Republic of Iran (collectively, “Defendants”). (ECF No. 9646.¹) Upon consideration of the evidence and arguments set forth in the Declaration of John M. Eubanks, Esq. and the exhibits thereto (ECF No. 9648), as well as the Declaration of John M. Eubanks, Esq. in support of the *Burnett* Plaintiffs’ motion to correct the instant motion (ECF No. 9747), and in light of the default judgment as to liability against Defendants entered on January 31, 2017 (ECF No. 3443), together with the entire record in this case, it is hereby

ORDERED that service of process in the above-captioned case was properly effectuated upon Defendants (ECF No. 64 in No. 15-cv-9903); and it is

¹ Unless otherwise stated, all ECF citations included herein refer to documents filed on the 9/11 multidistrict litigation docket. *See In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570 (GBD) (SN).

ORDERED that partial final judgment is entered on behalf of the *Burnett* Plaintiffs identified in Exhibits A and B against the Defendants²; and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit A are awarded economic damages as set forth therein and as supported by the expert reports and analyses tendered in conjunction with the Eubanks Declaration (ECF No. 9648); and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit A are awarded compensatory damages for decedents' pain and suffering in an amount of \$2,000,000.00 per estate, as set forth therein³; and it is

ORDERED that the *Burnett* Plaintiffs identified in Exhibit B are awarded solatium damages as set forth therein⁴; and it is

ORDERED that Plaintiffs receiving pain and suffering damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

ORDERED that Plaintiffs receiving economic damages identified in Exhibit A are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from the date indicated in the "Date of Report" column therein; and it is

² In their moving papers, the *Burnett* Plaintiffs seek treble damages pursuant to the Anti-Terrorism Act ("ATA"), 18 U.S.C. § 2333. As ATA claims cannot be brought against sovereign defendants, *see* 18 U.S.C. § 2337(2), the *Burnett* Plaintiffs' motion is DENIED as to their request for treble damages.

³ This Court was unable to find a motion to substitute naming Jessica Katherine Kostaris as the personal representative of the Estate of Bruce Henry Gary in the citations provided by the *Burnett* Plaintiffs in their default judgment motion cover sheet. (ECF No. 9649-1.) Therefore, their motion is DENIED without prejudice as to Ms. Kostaris's request for partial final default judgment.

⁴ This Court was unable to find a motion to substitute naming (1) Patrice Kelleher as the personal representative of the Estate of James T. Donovan or (2) Edward Flanders as the personal representative of the Estate of Patricia E. Flanders in the citations provided by the *Burnett* Plaintiffs in their default judgment motion cover sheet. (ECF No. 9649-1.) Therefore, their motion is DENIED without prejudice as to Ms. Kelleher's and Mr. Flanders's requests for partial final default judgments.

ORDERED that Plaintiffs identified in Exhibit B are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2001 until the date of judgment; and it is

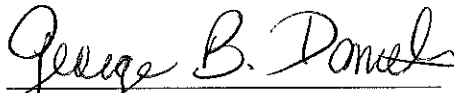
ORDERED that the *Burnett* Plaintiffs identified in the attached Exhibits A and B may submit future applications for punitive or other damages at a later date consistent with any future rulings of this Court; and it is

ORDERED that the *Burnett* Plaintiffs not appearing on Exhibits A and B may submit in later stages applications for damages awards to the extent they have not done so already.

The Clerk of Court is directed to enter partial final default judgment for the Plaintiffs listed in Exhibits A and B. The Clerk of Court is further directed to close the motions at ECF No. 9646 in 03-md-1570 and ECF No. 687 in 15-cv-9903.

Dated: June 17, 2024
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge

Exhibit A

Plaintiff (as Personal Representative of the Estate of 9/11 Decedent)					9/11 Decedent							Claim Information			Pain & Suffering Damages		Economic Damages							
	First	Middle	Last	Suffix		First	Middle	Last	Suffix	Nationality on 9/11	Date of Death	9/11 Site		Case	Complaint	Amendments & Substitutions		Prior Award	Amount		Report	Date of Report	Prior Award	Amount
#																								
1	Edward	C.	Williams			Manette		Beckles		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 2647			5975 at 4	\$ -			7/27/23		\$ 7,505,360.00
2	Jaymel	Elizabeth	Connor			James	Lee	Connor		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 1420				\$ 2,000,000.00					\$ -
3	Susan	Lynne	Kinney			Christopher	Seton	Cramer		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 1061, 9622 at 3				\$ 2,000,000.00			7/31/23		\$ 12,682,568.00
4	Lisa	T.	Dolan			Robert	E.	Dolan	Jr.	US	9/11/01	VA		9903	1:15-cv-09903, 53, at 3104				\$ 2,000,000.00					\$ -
5	Marion	Elaine	Donovan			Jacqueline		Donovan		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 2489				\$ 2,000,000.00					\$ -
6	Diane		Egan			Martin	Joseph	Egan	Jr.	US	9/11/01	NY		9903	1:15-cv-09903, 53, at 574, 280-1, 288				\$ 2,000,000.00			8/2/23		\$ 14,475,273.00
7	Susan	K.	Keasler			Karol	Ann	Keasler		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 1001, 9622 at 3				\$ 2,000,000.00					\$ -
8	Irene		Smolicz			Frank	J.	Koestner		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 2568				\$ 2,000,000.00			1/13/20		\$ 12,315,189.00
9	Kathleen		Maloney			Joseph	Edward	Maloney		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 3340				\$ 2,000,000.00			1/10/20		\$ 7,441,425.00
10	Karen		Parro			Robert		Parro		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 1794, 4778 at 5				\$ 2,000,000.00					\$ -
11	Lynn	Ann	Pescherine			Michael	John	Pescherine		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 850				\$ 2,000,000.00			11/1/23		\$ 27,997,471.00
12	Harry	James	Powell			Brandon	J.	Powell		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 3390			5975 at 18	\$ -			10/17/23		\$ 8,650,847.00
13	Ana	Maria	Tempesta			Anthony		Tempesta		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 485				\$ 2,000,000.00			5/26/23		\$ 10,835,243.00
14	Kathleen	M.	Vigiano			Joseph	Vincent	Vigiano		US	9/11/01	NY		9903	1:15-cv-09903, 53, at 463				\$ 2,000,000.00			8/13/21		\$ 18,743,603.00
15	Felicia	Ann	Young			Donald	McArthur	Young		US	9/11/01	VA		9903	1:15-cv-09903, 53, at 1168			5975 at 23	\$ -			6/14/23		\$9,908,339.00

Exhibit B

(Plaintiff, as Personal Representative of the Estate of Solatium Plaintiff)					Plaintiff					9/11 Decedent							Claim Information			Solatium Damages			
#	First	Middle	Last	Suffix	First	Middle	Last	Suffix	Nationality on 9/11	First	Middle	Last	Suffix	Nationality on 9/11	Date of Death	9/11 Site	Case	Complaint	Amendments & Substitutions	Relationship	Documentation	Prior Award	Amount
1					Joseph	Theodore	Afflitto	Jr.	US	Daniel	Thomas	Afflitto	Sr.	US	9/11/01	NY	1:15-cv-09903, 676, at 1			Sibling			\$ 4,250,000.00
2					Dylan	S.	Chirls		US	Catherine	Ellen	Chirls		US	9/11/01	NY	1:15-cv-09903, 275, at 10			Child			\$ 8,500,000.00
3					Lauren	Vargha	Colasanti		US	Christopher	Michael	Colasanti		US	9/11/01	NY	1:15-cv-09903, 676, at 4			Child			\$ 8,500,000.00
4					Cara	Elizabeth	Colasanti		US	Christopher	Michael	Colasanti		US	9/11/01	NY	1:15-cv-09903, 676, at 3			Child			\$ 8,500,000.00
5					James	Henry	Connor	II	US	James	Lee	Connor		US	9/11/01	NY	1:15-cv-09903, 676, at 5			Child			\$ 8,500,000.00
6					John	P.	Connor		US	James	Lee	Connor		US	9/11/01	NY	1:15-cv-09903, 676, at 6			Child			\$ 8,500,000.00
7					Lisa	T.	Dolan		US	Robert	E.	Dolan	Jr.	US	9/11/01	VA	1:15-cv-09903, 53, at 3104			Spouse			\$ 12,500,000.00
8					Rebecca	Leigh	Dolan		US	Robert	E.	Dolan	Jr.	US	9/11/01	VA	1:15-cv-09903, 676, at 8			Child			\$ 8,500,000.00
9					Robert	E.	Dolan	III	US	Robert	E.	Dolan	Jr.	US	9/11/01	VA	1:15-cv-09903, 676, at 7			Child			\$ 8,500,000.00
10					Marion	Elaine	Donovan		US	Jacqueline		Donovan		US	9/11/01	NY	1:15-cv-09903, 53, at 2489			Parent			\$ 8,500,000.00
11	Barbara	A.	Geidel		Ralph	William	Geidel	Sr.	US	Gary	Paul	Geidel		US	9/11/01	NY	1:15-cv-09903, 53, at 1113, 9621 at 3			Sibling			\$ 4,250,000.00
12					Marie	Scotto	Giordano		US	Jeffrey		Giordano		US	9/11/01	NY	1:15-cv-09903, 53, at 1429, 4778 at 3			Spouse			\$ 12,500,000.00
13					Antonio	Jose	Guadalupe		US	Jose	Antonio	Guadalupe		US	9/11/01	NY	1:15-cv-09903, 676 at 9			Child			\$ 8,500,000.00
14					James	Lawrence	Hopper		US	James	P.	Hopper		US	9/11/01	NY	1:15-cv-09903, 676 at 10			Child			\$ 8,500,000.00
15					Carolyn	Alysa	Koestner		US	Frank	J.	Koestner		US	9/11/01	NY	1:15-cv-09903, 676 at 11			Child			\$ 8,500,000.00
16					Megan	Kathleen	Maloney		US	Joseph	Edward	Maloney		US	9/11/01	NY	1:15-cv-09903, 676 at 13			Child			\$ 8,500,000.00
17					Joseph	Eric	Maloney		US	Joseph	Edward	Maloney		US	9/11/01	NY	1:15-cv-09903, 676 at 12			Child			\$ 8,500,000.00
18					Kathleen		Maloney		US	Joseph	Edward	Maloney		US	9/11/01	NY	1:15-cv-09903, 53, at 3340			Spouse			\$ 12,500,000.00
19	Patricia		McKenna		Agnes	Jane	McKenna		US	Stephanie	Marie	McKenna		US	9/11/01	NY	1:15-cv-09903, 53, at 1543, 9621 at 3			Parent			\$ 8,500,000.00
20					Lynn	Ann	Pescherine		US	Michael	John	Pescherine		US	9/11/01	NY	1:15-cv-09903, 53, at 850			Spouse			\$ 12,500,000.00
21					Ryan	Michael	Pescherine		US	Michael	John	Pescherine		US	9/11/01	NY	1:15-cv-09903, 676 at 14			Child			\$ 8,500,000.00
22					Alexander	Jordan Selwyn	Rosenblum		US	Howard		Selwyn		US	9/11/01	NY	1:15-cv-09903, 676 at 17			Child			\$ 8,500,000.00
23					James	Edward	Sabella		US	Thomas	E.	Sabella		US	9/11/01	NY	1:15-cv-09903, 676 at 15			Child			\$ 8,500,000.00
24					Nicole	Jean	Sabella		US	Thomas	E.	Sabella		US	9/11/01	NY	1:15-cv-09903, 676 at 16			Child			\$ 8,500,000.00
25					Kelsie	Marie	Scofield		US	Glenn	E.	Wilkinson		US	9/11/01	NY	1:15-cv-09903, 676 at 18			Child			\$ 8,500,000.00
26	Severino	Rogan	Tamayo	Jr.	Severino	Yabut	Tamayo	Sr.	US	Hector	R.	Tamayo		US	9/11/01	NY	1:15-cv-09903, 53, at 2183, 9621 at 3			Parent			\$ 8,500,000.00
27					Ana	Maria	Tempesta		US	Anthony		Tempesta		US	9/11/01	NY	1:15-cv-09903, 53, at 485			Spouse			\$ 12,500,000.00
28	Jason	Reed	Tieste		Ronald	Bruce	Tieste		US	William	R.	Tieste		US	9/11/01	NY	1:15-cv-09903, 53, at 1662, 9621 at 3			Sibling			\$ 4,250,000.00
29					Jasmyrn	Alexandria	Troy			Willie	Quincey	Troy					1:15-cv-09903, 683 at 3			Child			\$ 8,500,000.00
30	Leonard		Vollkommer		Christine		Vollkommer		US	Robert	W.	Spear	Jr.	US	9/11/01	NY	1:15-cv-09903, 53, at 2109, 9621 at 3			Sibling			\$ 4,250,000.00